

# Center for Competitive Politics

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November 29, 2007

Mr. Ron Katwan, Assistant General Counsel  
Ms. Esa L. Sferra, Attorney  
FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

Supplement to

AOR 2007-32

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2007 NOV 29 P 12:31

Re: SpeechNow.org Advisory Opinion Request

Dear Mr. Katwan and Ms. Sferra:

In conformity with my voicemail messages and subsequent conversation with Ms. Sferra yesterday, I have enclosed an *additional* proposed written solicitation for SpeechNow.org.

Mr. Keating of SpeechNow.org asked me to reiterate that this written solicitation is also a draft, meaning it will not be used, mailed, or sent until the Commission provides further guidance.

As Ms. Sferra requested over the phone, I would like to emphasize that this draft solicitation should be considered along with, and in addition to, the solicitation I sent you on November 27, 2007. In short, SpeechNow.org and Mr. Keating would like the Commission's guidance on both solicitations.

If you have other questions or seek additional information, please do not hesitate to contact me.

Very truly yours,

/s/ S.M. Hoersting

Steve Hoersting  
CENTER for COMPETITIVE POLITICS

cc: Steve Simpson  
INSTITUTE FOR JUSTICE

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[www.campaignfreedom.org](http://www.campaignfreedom.org)

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## **Draft Solicitation for Speech Now.org**

**The First Amendment to the Constitution says "Congress shall make no law ... abridging the freedom of speech ... or the right of the people peaceably to assemble."**

**What could be clearer than that?**

**Still, Congress ignores our most precious right. Politicians who wish to restrict pesky citizen groups have passed a thicket of laws suppressing our free speech rights.**

**Things have gotten so bad that a group of citizens looking to speak out about a politician's voting record should consult a lawyer first.**

**One example of speech censorship is the McCain Feingold law that made it illegal for most nonprofit groups to mention the name of a candidate in a TV ad within 60 days of an election. A recent Court decision loosened that restriction somewhat, but left a confusing set of regulations to navigate in order to avoid possible criminal charges of illegal speech.**

**The assault on the First Amendment is bipartisan and it continues.**

**The real motivation for passage of so-called campaign finance "reforms" was to limit criticism of members of Congress and protect incumbents at reelection time.**

**House Republicans passed a bill in 2006 that would have extended the McCain Feingold restrictions on TV ads to a year-round ban for some nonprofit groups. As columnist George Will reported, "[Rep.] Candice Miller (R-Mich.) said that [the bill] would combat 'nauseating ugliness, negativity and hyperpartisanship.' Oh, so that is what the First Amendment means: Congress shall make no law abridging freedom of speech unless speech annoys politicians."**

**Democrats criticized this GOP bill in 2006, but key Democratic leaders now appear to support it.**

**In the current Congress, the top Republican on the Senate Judiciary Committee teamed up with the Democratic Senatorial Campaign Committee chairman to introduce a constitutional amendment to dismantle the First Amendment and allow unlimited regulation of political speech by Congress and state legislatures.**

**Political speech censorship by politicians has to stop. We need free speech now.**

**The best way to stop the censorship is to speak in a language that all politicians understand and to speak out when politicians and the voters are most likely to pay attention. That's election time.**

We need to tell our fellow Americans who supports, and who opposes, free speech and the First Amendment. We need to defeat some candidates who are against free speech and elect the ones who support the First Amendment.

That will take money. A lot of it.

To start our campaign, we need to run ads in areas where the media, and other politicians, will pay attention. We've identified two such races.

First is Louisiana Senator Mary Landrieu, who is up for election in 2008. We don't know who her opponent is yet, but he can't be any worse on free speech than she has been. Landrieu voted for the McCain-Feingold law that banned broadcast ads by most nonprofit groups within 60 days of a general election if a candidate's name was mentioned. We have prepared an ad urging Louisiana voters to defeat her because of her vote for this horrible bill.

A second initial target for defeat is Congressman Dan Burton. He voted for that 2006 bill that would have extended the McCain Feingold restrictions on TV ads to a year-round ban for some nonprofit groups. He has a credible primary opponent who is a supporter of free speech rights. We have an ad urging his defeat ready to run in the local TV market, where air time is reasonably priced. Defeating a Republican incumbent in a primary on this free speech issue would help other Republicans who voted with Burton to return to their prior beliefs of supporting free speech.

Speech Now.org is an independent speech group of individuals dedicated to promoting and protecting our First Amendment rights to free speech and for the freedom to assemble. We operate independently of any candidate and expressly advocate to other people to vote for federal candidates who support these First Amendment rights and to vote against candidates who oppose such rights.

We believe that working together as citizens in an election environment is the best way to liberate speech from the grip of politicians who have successfully passed laws aimed at preserving their power by squelching criticism.

We have adopted rigorous restrictions on our activities to eliminate even the appearance of corruption of candidates. We will never give a cent to politicians and our advertising will be strictly independent. Our charter also guarantees our independence from parties, candidates and special interest money. Finally, our charter also ensures that donors give solely because they believe in what we do, not because of a hotel discount for members.

Please give your maximum donation to SpeechNow.org today so we can run these and other ads at a level that will make a huge impact. Free speech is too important to leave to the politicians.

Paid for by SpeechNow.org, PO Box 18773, Washington DC 20036.

Not authorized by any candidate or candidate committee.

Donations are not tax deductible and may be used for political purposes such as supporting or opposing candidates. Donations are not accepted from business corporations, labor organizations, national banks, federal government contractors, foreign nationals, or political committees. All donations will be spent according to the sole discretion of SpeechNow.org.